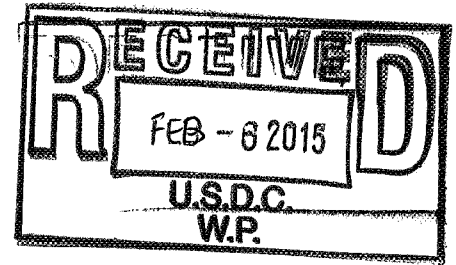


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



CHIDI DAVID ACHEZARA

15CV 0965

Plaintiff

COMPLAINT

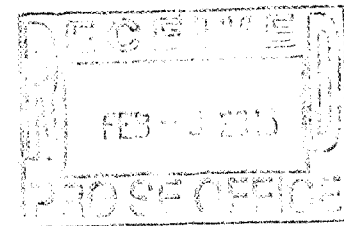
JURY TRIAL DEMANDED

Against-

CITY OF NEW YORK, JOHN DOES 1, 11, 111, 1V AND V,

Whose true identities are unknown in their individual capacities

Defendants



Plaintiff, Chidi David Achezara, acting on his own behalf alleges as follows

1. INTRODUCTION

This is an action pursuant to 42 U.S.C Section 1983 to vindicate the civil rights of Chidi David Achezara, a black male. Chidi contends that defendants maliciously abused process against him and falsely arrested, falsely imprisoned, falsely strip searched and maliciously prosecuted him. Defendants were acting under the color of stated law and pursuant to municipal customs, practices and policies when that undertook the aforementioned acts against plaintiff

11 JURISDICTION

2. This court has jurisdiction over this action under 42 U.S.C Sections 1983, and the 4th, 5th and 14th amendments of the constitution of the United States. Venue is proper, as the operative events occurred within this judicial district and plaintiff resides within the judicial district

111 PARTIES

Chidi David Achezara is a black male. He resides in Westchester County and he sues in his own behalf

4 Defendants, City of New York is a municipality that is incorporated under the laws of the state of New York. Its principal place of business is located in New York, New York. Its actions, and those of its agents, must conform to the dictates of the constitution of the United States. It may sue and be sued, and at all relevant times herein, acted under color of state law and pursuant to its own policies, practices and customs

5 Defendants, John DOES 1, 11, 111, 1V AND V at all relevant times, were employed by the city of New York as Police officers. Their actions must conform to the dictates of the Constitution of the United States of America. They are sued in their individual capacities for violating plaintiff's civil rights while acting under the color of State law and /or acting pursuant to policies, practices and customs of the City of New York

1V FACTUAL AVERMENTS

6 Defendants, all of whom were acting under color of state law and pursuant to policies, practices and customs of the City of New York, violated plaintiffs civil rights in the following ways:

a) On or about March 05 , 2013 , several police officers of the New York City Police Department jumped out of the van and approached Plaintiff and began to question him amongst other things that where was Plaintiff going with the big bag at that time of the night

b) The officers questioned who owned the computer in my bag, eventhough it was not visible to the naked eye

c) The officers took apart my computer and bag and inquired from Plaintiff if there was any drugs in the computer and bag , while mocking Plaintiff

d) The officers asked why plaintiff was out of the house at that time of the day and who was plaintiff's parole officer

e) The officers questioned Plaintiff of information on active drug dealers in the area

f) When Plaintiff informed the officers that he has no information about any drug dealers, the officers requested that Plaintiff hand over his cell phone and the bag that he was caring

g) They requested for Plaintiff's identification, which plaintiff showed to them

h) The officers stated that Plaintiff's driver's License that Plaintiff showed them was not real, since it has not no picture id

i) The officers later stated that Plaintiff was under arrest for driving with a suspended license and making an illegal uturn, eventhough Plaintiff was not driving when the officers came upon him

j) Defendants who are members of the Police Dept., also proceeded to use Plaintiffs cellphone to communicate to Plaintiff's employers without Plaintiff's permission

k) Defendants who are members of the NYPD communicated to Plaintiff's employers that Plaintiff is under arrest for drug dealing. Additionally, The NYPD Officers also communicated to Plaintiff's sister when she called plaintiff's phone, that Plaintiff is under arrest for drug dealing.

l) Plaintiff at no time gave defendants any permission to use his phone or to communicate to anyone, utilizing his phone

j) Defendants did not have probable cause to arrest Plaintiff

k) Whilst in custody , Plaintiff was made to take off all the clothes , as police officers searched for contraband and /or weapons, Plaintiff was unable to squat as officers looked into his anus

L) Plaintiff found the process degrading, dehumanizing and oppressive

m) After the strip search, plaintiff was made to wait in the jail cell, refused medical request to attend for his heart problems for several hours for allegedly making an illegal U-turn and driving with a suspended license

N) Plaintiff did not make an illegal U-turn, as plaintiff was not driving a car. Plaintiff was not driving any car at the time of his arrest

O) Plaintiff did not have a suspended license and Plaintiff was not driving any car

s) Between Mar 05, 2013 and Mar 10 2014, Plaintiff made numerous appearances in court to hear the charges. Plaintiff found this process expensive, time- consuming and embarrassing

p) On or about Mar 10, 2014, the aforementioned criminal proceedings terminated in plaintiffs favor, as it was dismissed and sealed

Q) Defendants unauthorized usage of Plaintiff's phone caused plaintiff to loose his job

r) The legal proceedings also has prevented Plaintiff from getting any employment since then

m) The legal proceedings and subsequent events also caused Plaintiff to aggravate an existing medical condition

n) On information and belief, defendants knew or had reason to know that Plaintiff was not driving, did not make illegal U-turn, and did not have a suspended License , Rather, defendants merely sought to justify their false arrest, detention and strip search of Plaintiff, and to prevent his access to courts should plaintiff become desirous of taking legal action

o) There was no articulate justification for plaintiff's strip search pursuing to plaintiff's illegal U-Turn and suspended license arrest

p) Plaintiff is now unemployed, unable to get employment and also dealing with severe medical condition

7) Defendants actions against plaintiff were undertaken pursuant to municipal policies, practices and customs

8) Moreover, plaintiff's right to be free of a false arrest, false imprisonment, malicious prosecution, strip searches and malicious abuse of process are clearly established and reasonable persons employed by municipal defendants are aware or have reasons to be aware of this

9) As a proximate result of defendants' illegal acts towards plaintiff, plaintiff has suffered and continues to suffer substantial losses

10) As a further proximate result of defendants' actions towards plaintiff, plaintiff has suffered and continues to suffer impairment and damage to his good name and reputation

11) As a proximate result of defendants illegal acts towards plaintiff, Plaintiff lost his job and has remained unemployed since then

12) As a further proximate result of defendants' actions, Plaintiff has suffered and continues to suffer severe and lasting embarrassment, humiliation and anguish, and other incidental and consequential damages and expenses

13) The conduct of defendants in maliciously abusing process against plaintiff, and in false arresting, in false imprisoning, in maliciously prosecuting and in strip searching plaintiff was outrageous and was done with reckless indifference to plaintiff's protected civil rights, entitling plaintiff to an award of punitive damages as against the individual defendants

V) CAUSES OF ACTION

FIRST CAUSE OF ACTION

14) Plaintiff hereby repeats and realleges each and every paragraph above

15) By falsely arresting and imprisoning plaintiff without probable cause, defendants violated the 4th, 5TH AND 14th amendments of the United States Constitution as secured by 42 USC Section 1983

SECOND CAUSE OF ACTION

18) Plaintiff hereby repeats and relleges each and every paragraph above

19) By strip searching plaintiff for a nonviolent infraction, defendants violated the 4th, 5th and 14th amendments of the United States Constitution as secured by 42 U.S.C Section 1983

THIRD CAUSE OF ACTION

20) Plaintiff hereby repeats and realleges each and every paragraph above

21) By maliciously prosecuting plaintiff for illegal U-turn and suspended license without probable cause and solely to prevent his access to the courts, defendants violated the 4th, 5th and 14th Amendments of the United States Constitution as secured by 42 U.S.C Section 1983

FOURTH CAUSE OF ACTION

22) Plaintiff hereby repeats and realleges each and every paragraph above

23) By using Plaintiffs phone, without any authorization from plaintiff and by further communicating with Plaintiffs then colleague and family members without authorization from Plaintiff, defendants violated Plaintiffs right to his personal property. Furthermore, Defendants by utilizing Plaintiff's phone to communicate information that they knew to be false or should have known to be false, caused Plaintiff further embarrassment, loss of job and and additional severe medical issues

V1 PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this court grant judgment to him containing the following relief

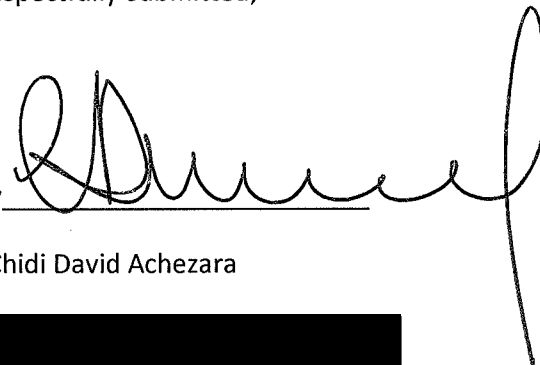
- a) An award of Plaintiff's actual damages in an amount to be determined at trial
- b) An award of compensatory damages to compensate plaintiff for mental anguish, humiliation, embarrassment, and emotional injury
- c) An award for the loss of employment and subsequent inability to get paid employment in the industry as a result of the criminal proceedings
- d) An award of punitive damages as against the individual defendants
- e) An order enjoining defendants from engaging in the wrongful practices alleged herein
- f) An award of reasonable personal fees and the costs of this action
- l) Such Other and further relief as this court may deem just and proper

Dated: New York, New York

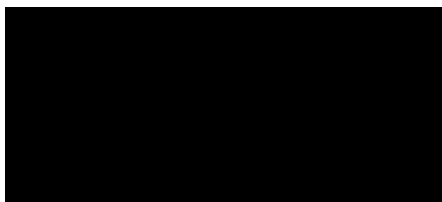
Dec 27, 2014

Respectfully Submitted;

By

A handwritten signature in black ink, appearing to read 'Chidi David Achezara', written over a horizontal line.

Chidi David Achezara





NYPDPETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No. **2000187186**

**NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED
BY THE POLICE DEPARTMENT**

The person from whose possession property was taken should retain and safeguard the invoice. The New York City Police Department can change the Invoice Category without further notice. In order to obtain the return of property, the claimant or a representative authorized by a notarized letter to claim the property will be required to submit, in person or by mail, the invoice and proper identification (one (1) government issued photo identification plus at least one (1) non-photo identification) to the office of the Property Clerk. A claimant demanding the return of property other than Arrest Evidence, DNA Evidence or Forfeiture does not require a District Attorney's Release and may make such demand whether or not criminal proceedings have been instituted and, if instituted, whether or not such proceedings have been terminated.

ARREST EVIDENCE/DNA EVIDENCE/FORFEITURE

The property may be disposed of by the Property Clerk according to law, unless the claimant demands the property no later than **120 days** after the termination of criminal proceedings. A claimant demanding the return of arrest evidence/DNA evidence/forfeiture from the Property Clerk should obtain, before making a demand, either a District Attorney's Release or a supervising District Attorney's statement refusing to grant a release. Presentation of either or both of these documents to the Property Clerk is NOT required for making a timely demand. If a demand for the property is made without a District Attorney's Release or a supervising District Attorney's statement, the claimant shall have **270 days** from the date of demand to obtain a District Attorney's Release or a Supervising District Attorney's statement refusing to grant a release. If a release or a statement refusing to grant a release is not provided to the Property Clerk within **270 days** of the date of demand, the property may be disposed of according to law. If a claimant timely provides the Property Clerk with a District Attorney's statement refusing to grant a release, the claimant must, when the District Attorney no longer needs the property, obtain and submit a District Attorney's Release to the Police Department. Forfeiture property may additionally require a Civil Enforcement Release prior to release.

INVESTIGATORY/DNA INVESTIGATORY

Investigatory property is disposed of after one (1) year, unless otherwise requested by the investigating officer.

PRECEDENTS PROPERTY

LETTERS TESTAMENTARY or LETTERS OF ADMINISTRATION obtained from the Surrogate Court of the decedent's county of residence are required for release.

FOUND PROPERTY

Pursuant to law, found property will be held for the following periods of time (unless sooner delivered to owner):

- Property having a value of less than \$100 — 3 months
- Property having a value of \$100 but less than \$500 — 6 months
- Property having a value of \$500 but less than \$5000 — 1 year
- Property having a value of \$5000 or more — 3 years

SAFEKEEPING

Property held for Safekeeping must be claimed within 120 days from the date it was invoiced. After 120 days, property will be disposed of as per applicable NYC Law. All firearms, rifles, and shotguns, invoiced for safekeeping must be reclaimed by the owner within one (1) year of the date of invoice. After the expiration of one (1) year, the firearm, rifle, or shotgun will be disposed of by the Property Clerk pursuant to law, without further notice.

PEDDLER PROPERTY

Peddler property that is deemed trademark counterfeit, and classified found/abandoned property will be destroyed on intake. All other Peddler Property is held for a period of 90 days. A claimant that demands the return of his/her peddler property must obtain a letter from the NYPD Law department stating the property can be released and:

- A claimant that was issued an Environmental Control Board summons must obtain a decision and satisfaction of the summons.

YEAR OF OFFENSE(S)?

3/5/2013

CHARGE(S):

___ ALCOHOL IN PUBLIC

___ BIKE ON SIDEWALK

___ RECKLESS DRIVING

___ DISORDERLY CONDUCT

___ LITTERING IN PUBLIC

☒ PARK OFFENSE

___ URINATING IN PUBLIC

___ MARIJUANA

☒ OTHER - illegal
Urban

CS01
COUNTY: BRONX

CRIMS SUPREME COURT CASE SELECT
SEALING

07/07/2014
7053

PAGE: 1 OF 1

NAME: DAVID, CHIDI

AKA:

AKA:

CCN:

1) 2013BX013330

CASE STATUS: 03/12/2014

NYSID NUM:
F 2)

ARREST TIME: 23:09

CASE TYPE: NON-FINGERPRINT

DATE OF BIRTH: [REDACTED]

ARREST DATE: 03/05/2013

ARREST NUM: B13616222
3)

LAST USER (Y/N)? N

COMMAND:

MESSAGE: ONLY DEFENDANT FOUND ON FILE

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

CERTIFICATE OF DISPOSITION
NUMBER: 121430

THE PEOPLE OF THE STATE OF NEW YORK
VS

DAVID, CHIDI
Defendant

[REDACTED]
Date of Birth

[REDACTED]
Address

[REDACTED]
NYSID Number

[REDACTED] [REDACTED] [REDACTED]
City State Zip

03/05/2013
Date of Arrest/Issue

Docket Number: 2013BX013330

Summons No:

VTL 511.1A VTL 509.1
Arraignment Charges

Case Disposition Information:

Date Court Action
03/10/2014 DISMISSED AND SEALED

Judge
KELLY, S

Part
AP4

**DISMISSED
& SEALED**

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

REYES, W [Signature]
COURT OFFICIAL SIGNATURE AND SEAL

07/07/2014
DATE

FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

CERTIFICATE OF DISPOSITION
NUMBER: 14555

THE PEOPLE OF THE STATE OF NEW YORK
VS.

FEE: \$10.00

DAVID, ACHEZARA

DEFENDANT

DATE OF BIRTH

ADDRESS

03/05/2013

ISSUE DATE

CITY STATE ZIP

DOCKET NUMBER: **2013SX032620**

SUMMONS NUMBER: **4412227088**

PL 240.20 07 0V

ARRAIGNMENT CHARGES

CASE DISPOSITION INFORMATION:

DATE	COURT ACTION	JUDGE	PART
05/08/2013	DISM - LEGALLY INSUFFICIENT	MCGUIRE,W	SAP-D

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.

COURT OFFICIAL SIGNATURE AND SEAL

07/07/2014

DATE

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COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)